

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER #92-002

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY

Franco Consolacion, FC & OL Corporation,
and Franco Consolacion dba FC & OL Corporation
Daly City, San Mateo County

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board) finds that:


1. On July 25 and 26, 1989 soil samples were obtained from the area of underground storage tanks located at 6098 Mission Street, Daly City. This property is owned by Mr. Franco Consolacion, FC & OL Corporation and Franco Consolacion dba FC & OL Corporation, hereinafter referred to as the discharger. Laboratory analyses of the soil samples indicated widespread soil contamination. Up to 17,550 ppm TPH as gasoline, 2,620 ppm TPH as diesel, and 819 ppm total volatile aromatics were detected at the site.
2. Groundwater samples obtained from four monitoring wells on the site on September 25, 1989 contained up to 150,000 ppm TPH as gasoline and up to 64,500 ppb total volatile aromatics. During subsequent groundwater monitoring episodes, up to 5.09' of free product was observed floating on the groundwater table. A municipal drinking water well is located one mile southeast of the site.
3. In numerous letters from County and Regional Board staff, the discharger has been required to submit a workplan for contaminant definition and installation of an interim free product remediation system. No such workplan was submitted.
4. On August 6, 1991 the discharger met with County and Regional Board staff and agreed that he would comply with a Cleanup and Abatement Order requiring the installation of a free product remediation system. The Cleanup and Abatement Order was issued on August 28, 1991. The Order required 1) a workplan for the installation of the free product remediation system to be submitted by September 30, 1991, and 2) a report describing the installation and start-up of the system to be submitted by October 31, 1991. No such reports were submitted, and no explanation for delays was provided.
5. On numerous occasions County and Regional Board staff have attempted to discuss reporting and cleanup requirements with the discharger. The discharger, however, has been unwilling

the discharger. The discharger, however, has been unwilling to discuss the matters with us, referring us to his legal counsel, and his legal counsel has failed to return numerous phone calls to Regional Board staff.

6. On November 20, 1991, 51 days after the deadline established in Cleanup and Abatement Order #91-126, the workplan for free product remediation was submitted to County and Regional Board staff. The workplan is deficient and does not comply with Order No. 91-126 because it did not include design data or an implementation schedule for an effective free product remediation system. Proposed work was limited to further site characterization, hand bailing of free product, and eventual selection of a remedial method.
7. The Executive Officer issued Complaint No. 92-002 to the discharger on January 9, 1992. The Complaint proposed that administrative civil liability be imposed by the Regional Board in the amount of \$14,040 pursuant to Section 13268 of the California Water Code. Of this amount \$3,840 is for recovery of staff costs. The proposed liability has not been paid, and the right to a hearing has not been waived. This complaint applies to those violations that occurred prior to November 20, 1991.
8. On February 19, 1992 the Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.

IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTION 13268 that Franco Consolacion, FC & OL Corporation, and Franco Consolacion dba FC & OL Corporation is civilly liable for this violation and shall pay administrative civil liability in the amount of \$14,040. Payment shall be made within 30 days of the date of this Order to the State Water Pollution Cleanup and Abatement account. Payment of half the penalty is suspended provided that half the penalty is paid, and provided that the workplan identified in Finding 3, including a schedule, is submitted by March 20, 1992 and is acceptable to the Executive Officer.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on February 19, 1992.


STEVEN R. RITCHIE
EXECUTIVE OFFICER